

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|--------------------|---|--------------------------------|
| In re: |) | In Proceedings Under Chapter 7 |
| |) | |
| DAVID BRUCE LIBBY, |) | Case No. 06-44335-705 |
| SHERIE ANN LIBBY, |) | |
| |) | Hon. Charles E. Rendlen, III |
| |) | U.S. Bankruptcy Judge |
| |) | |
| |) | (No Hearing Requested) |
| Debtors. |) | |

**UNITED STATES TRUSTEE’S MOTION FOR EX-PARTE ENTRY OF AN ORDER
RE-OPENING CASE, AUTHORIZING THE APPOINTMENT OF A
TRUSTEE, AND DEFERRING THE PAYMENT OF THE RE-OPENING FEE**

Daniel J. Casamatta, the Acting United States Trustee for Region 13 (the “U.S. Trustee”), by and through his under undersigned Assistant U.S. Trustee, hereby respectfully moves this Court to enter an Order re-opening the above-captioned presently closed Chapter 7 bankruptcy case based upon the following:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 157 and 11 U.S.C. § 350. This Court may consider this Motion without hearing pursuant to Local Rule of Bankruptcy Procedure 9062.

2. David Bruce Libby and Sherie Ann Libby (the “Debtors”) filed a voluntary petition under Chapter 7 of Title 11, United States Code (the “Bankruptcy Code”) on September 19, 2006.

3. The case has been closed since December 14, 2006. It was previously administered by panel trustee Charles W. Riske.

4. The U.S. Trustee has received information indicating that the bankruptcy estate may have an interest in personal injury settlement that merits review and investigation by a trustee.

5. In order to investigate such matters further, it is necessary to re-open the case. The appointment of a trustee is warranted pursuant to Fed. R. Bankr. P. 5010 to protect the interests of creditors and the debtors and to ensure the efficient administration of the case.

6. Section 350(b) of the Bankruptcy Code provides that a case may be “re-opened in the court in which such case was closed to administer assets, to accord relief to the debtors, or for other cause.” 11 U.S.C. § 350(b).

WHEREFORE, the U.S. Trustee respectfully requests that the Court enter an order re-opening the present case, authorizing and directing the U.S. Trustee to appoint a trustee, and deferring the payment of the re-opening fee at this time or until otherwise directed by the Court.

RESPECTFULLY SUBMITTED this 22nd day of October 2019.

DANIEL J. CASAMATTA
ACTING UNITED STATES TRUSTEE

PAUL A. RANDOLPH
ASSISTANT UNITED STATES TRUSTEE

//s/ Sirena T. Wilson
Sirena T. Wilson
LSBA# 34363
Trial Attorney
111 S. 10th Street, Suite 6.353
St. Louis, MO 63102
PH: (314) 539-2952
FAX: (314) 539-2990
Email: sirena.wilson@usdoj.gov

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on October 23, 2019 with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, address to those parties listed on the Court's Manual Notice List and listed below on October 23, 2019.

David Bruce Libby
Sherie Ann Libby
67 Runny Meade Estates
O'Fallon, MO 63366

/s/Sandra L. Herling
Sandra L. Herling, Paralegal Specialist